

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA**

<b>JULIE TUTTLE, individually and</b>	:	
<b>on behalf of the ESTATE OF</b>	:	
<b>MICHAEL PAUL TUTTLE, et al.,</b>	:	<b>CASE NO. 1:20-cv-04744</b>
	:	
<b>Plaintiff,</b>	:	
	:	<b>JUDGE LEIGH MARTIN MAY</b>
<b>v.</b>	:	
	:	
<b>DEXCOM, INC., et al.,</b>	:	
	:	
<b>Defendant.</b>	:	

**DEFENDANT DEXCOM, INC.'S MOTION TO DISMISS**  
**AND REQUEST FOR ORAL ARGUMENT**

Defendant Dexcom, Inc., by and through its undersigned counsel, respectfully requests that the Court enter an order dismissing plaintiff's Complaint. In support of its motion, Dexcom submits its Brief in Support of its Motion to Dismiss, filed concurrently herewith, and the exhibits attached thereto. As set forth in the accompanying brief, plaintiff's claims are preempted by federal law. Plaintiff also fails to state any claims and fails to allege sufficient facts to state any claims against Dexcom. Accordingly, plaintiff's Complaint should be dismissed.

Dated: December 18, 2020

Respectfully submitted,

*/s/ Zachary H. Fuller*

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**ATTORNEYS FOR DEXCOM, INC.**

**CERTIFICATION AS TO FONT**

Counsel certifies that this pleading has been prepared in Times New Roman font in 14-point type.

*/s/ Zach Fuller*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of December, 2020, I have caused the foregoing to be filed and served upon all counsel of record via ECF.

/s/ Zachary H. Fuller